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Dated: 10/26/04

Signature:

Tia B. Zimmerman
(Tia B. Zimmerman)

PATENT
Docket No. 342312004920

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Jason G. LEWIS et al.

Serial No.: 10/777,455

Filing Date: February 11, 2004

For: LINCOMYCIN DERIVATIVES
POSSESSING ANTIBACTERIAL
ACTIVITY

Examiner: E. Peselev

Group Art Unit: 1623

**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Pursuant to the USPTO notice dated July 11, 2003, waiving the requirement under 37 C.F.R. § 1.98 (a)(2)(i) to provide copies of U.S. Patents and U.S. Published Applications, copies of those references are not submitted. Copies of foreign documents and non-patent literature are submitted herewith. The Examiner is requested to make these documents of record in the application.

The documents numbered 3 and 10 on the attached Form PTO-1449 were cited in a corrected version of an International Search Report mailed on July 26, 2004 directed to a counterpart international or foreign application and were not previously submitted. A certification under 37 C.F.R. § 1.97(e)(1) follows:

I hereby certify that each item of information was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Supplemental Information Disclosure Statement.

This Supplemental Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- ☐ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- ☒ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of __ is enclosed.
 - ☒ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of __ is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

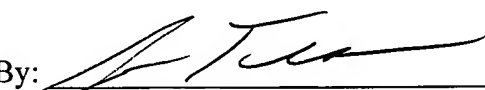
The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17(p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **342312004920**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: October 26, 2004

Respectfully submitted,

By:


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Form PTO-1449

Docket Number 342312004920

Application Number 10/777,455

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

(Use several sheets if necessary)

Applicant

Jason G. LEWIS et al.

Filing Date February 11, 2004

Group Art Unit 1623

Mailing Date October 20, 2004

U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	04/30/1968	3,380,992	Argoudelis et al.			
	2.	03/25/1969	3,435,025	Birkenmeyer			
	3.	12/22/1970	3,549,615	Birkenmeyer			
	4.	06/18/1974	3,817,979	Argoudelis et al.			
	5.	12/24/1974	3,856,943	Birkenmeyer			
	6.	10/06/1981	4,293,547	Lewis et al.			

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	7.	06/01/1989	WO 89/04672	WIPO			
	8.	02/26/2004	WO 2004/016632	WIPO			

OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	9.	Bannister, B. et al. (1989). "The S-Alkylation of Sulphides by an Activated Carbohydrate Epimine Under Acidic Catalysis: The Formation of α -Acetamido-Sulphides. Part 5. The Introduction of Functionality into the Sulphide Substituent," <i>J. Chem. Res.</i> 4:701-794.
	10.	Corrected version of an International Search Report mailed on July 26, 2004, for PCT Patent Application PCT/US03/25820 filed on August 15, 2003, 2 pages.
	11.	Spizek, J. et al. (2004). "Lincomycin, Cultivation of Producing Strains and Biosynthesis," <i>Appl. Microbiol. Biotechnol.</i> 63:510-519.
	12.	Sztaricskai, F. et al. (November 1999). "Structural Modification of the Lincomycin Antibiotic," <i>The Journal of Antibiotics</i> 52(11):1050-1055.
	13.	Sztaricskai, F. et al. (October 1997). "Chemical Synthesis and Structural Study of Lincomycin Sulfoxides and a Sulfone," <i>The Journal of Antibiotics</i> 50(10):866-873.
	14.	Sztaricskai, F. et al. (September 1996). "Semisynthetic Modification of Antibiotic Lincomycin," <i>The Journal of Antibiotics</i> 49(9):941-943.

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.